

RESOLUTION NO. __ -2005

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, SETTING POLICY FOR COMPENSATION FOR PUBLIC EMERGENCY RESPONSE WORK.

WHEREAS, County policy regarding overtime or other compensation for County employees working in response to a public emergency when non-essential employees are allowed administrative leave has heretofore been set forth only in the County's Administrative Instructions; and

WHEREAS, it is important to the welfare of the residents of and visitors to Monroe County to encourage employees to remain in the County to provide response to a public emergency such as a hurricane, before, during and after the event; and

WHEREAS, equal treatment for public emergency response between personnel previously characterized as essential and non-essential and required or asked to work in response to a public emergency will maintain a good morale in personnel previously considered essential; and

WHEREAS, definition and clarification is required to facilitate the accounting for, and payment of, emergency response work;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, THAT:

1. The following policy shall replace Administrative Instruction 4713.1, and shall apply to public emergency response and compensation for such work, other than for employees covered by union contracts which govern their compensation:

A. Definitions. For purposes of this resolution, the following words and phrases shall have the definitions provided herein.

- i. **Administrative Leave:** Leave (with pay at an employee's regular rate of pay for regular working hours) which the County Administrator has authorized for specified personnel. The leave applies only to an employee's regular working hours during the time that the Administrator has authorized the leave. Administrative leave is awarded to make an employee whole for a workday when the employee's regular work may be suspended due to some disaster or emergency. Administrative leave may apply only to a portion of the County staff for any event requiring cessation of regular work.

- ii. **Emergency Response Work:** Any work performed by an employee during the time period that administrative leave is authorized due to a disaster or other emergency and which work is performed in furtherance of the duties of the County to protect the health, safety and welfare of the public against the cause of the disaster or other emergency.
- iii. **Authorized Employee:** An employee who is pre-approved as an emergency response worker by both his or her supervisor and Division Director, as well as either the County Administrator or Deputy Administrator. An employee deemed an authorized employee but who performs duties which could have been postponed until after the administrative leave has ceased shall not be entitled to the double rate of pay. The employee's supervisor shall verify that the employee is entitled to double the rate of regular pay and so indicate on the time sheet by placement of the appropriate number of hours in OT and a comment that the work is disaster/emergency-related.

B. Only by authorization of the County Administrator or his designee will the County cease operations due to an emergency/disaster. The Administrator's or designee's declaration of cessation of normal County operations shall set forth the areas affected by the closure if there is to be a cessation of operations in only part of the County.

C. Employees questioning their responsibilities during the time of disaster or emergency should contact their supervisor or department head to be sure that they are fulfilling their responsibilities.

D. Authorized employees who have volunteered their assistance at the EOC and been approved for emergency/disaster work by their supervisors, Division Director, and Administrator or Deputy Administrator will be contacted by Emergency Management as their needs arise.

E. Once normal County operations are terminated and emergency operations begin, all authorized employees, including employees who have an employment contract with the County, who perform emergency response work will be compensated at twice their regular rate of pay for the time actually worked during the emergency/disaster. This rate of pay shall apply to all hours worked during time that administrative leave is authorized for other personnel. Should an authorized employee perform emergency response work for less than their normal hours of work in any single day, that employee shall be treated as any other employee who is on administrative leave and be paid at the regular rate of pay for the hours which that employee would normally have worked. No additional administrative leave shall be granted to persons receiving compensation at the rate of double their normal pay rate. The double rate of pay is intended to compensate

those employees fully and they are not allotted administrative, compensatory or other time off at a later date.

F. In the case of a partial County operation closing, those employees whose worksite (not residence) is in the area where the closing occurs shall be granted Administrative Leave.

G. In severe emergency/disaster situations where an employee is granted Administrative leave, it is the responsibility of the employee to establish contact with his/her supervisor if there is any doubt about when to return to work and/or to report an inability to appear at the worksite. Employees should stay close to media information and/or telephone in order to obtain information regarding County operations resuming. Employees should not rely solely on media information.

H. If an employee, for any reason, does not return to work when the County resumes normal operations, that employee will have to utilize accrued leave in accordance with the Personnel Policies and Procedures. In the absence of accrued leave, the employee will take leave without pay. It is the employee's responsibility to notify his or her supervisor if unable to report to work (PPP Section 7.04 -Notification of Absence).

I. When a partial or full-day closing is authorized, the following pay practices apply:

i. Employees, both exempt and non-exempt, are granted administrative leave if they do not perform emergency response work. Such employees are compensated at their regular rate of pay for the hours they were scheduled to work up until 12pm midnight for each day granted. Administrative Leave shall be granted for those hours not worked in order to make the employee "whole" for the normal scheduled work day. It is not meant as a means of awarding overtime to an employee.

ii. All authorized employees who perform emergency response work during the time that administrative leave is authorized for personnel at their normal worksite, after normal County operations have ceased, are compensated at twice their normal rate of pay. The double rate of pay shall not apply to work which is the normal work for an employee and which is performed for the employee's convenience and not in response to the emergency or disaster. This limitation is intended to clarify that personnel not performing functions to specifically address the disaster or emergency do not get paid at double the rate of regular pay and are not given time off at a later date for hours worked during the period of closing, unless specifically authorized by their supervisor and the County Administrator.

iii. Employees on sick leave, personal leave or vacation on a day when during emergency closings are charged with such leave as was scheduled up until the time when the Administrative Leave was granted.

J. Timesheets:

- i. Timesheets must reflect ACTUAL hours worked in the "IN" and "OUT" columns.
- ii. Normal/physical operating working hours for that day must be reflected the "RG" column.
- iii. Administrative leave time granted until the end of the normally scheduled workday (up to midnight of each day) must be reflected in the "MI" column in order to make the employee "whole" for that work day.
- iv. Employees who work during the time administrative leave is granted will mark the actual hours worked during the administrative leave in the "OT" column.
- v. "Total hours" for that day worked directly relating to the disaster/Emergency must be recorded in the "Comments" column of the timesheet in order for the County to obtain proper reimbursement from federal funds, etc.

K. These instructions may be amended and/or supplemented by further resolution as may be indicated by FEMA requirements. In such cases, additional information shall be provided by Administrative Services and the County Administrator.

2. That this Resolution shall be effective as of July 1, 2005.

Mayor Spehar
Mayor Pro Tem McCoy
Commissioner Neugent
Commissioner Rice
Commissioner Nelson

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

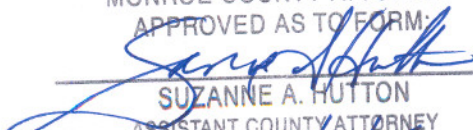
By: _____
Mayor Dixie M. Spehar

(Seal)

Attest: DANNY L. KOLHAGE, Clerk

By: _____
Deputy Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:


SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY
Date 8/12/05